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TEXT OF PROPOSED REGULATIONS  
Department Reference Number: R-2014-02  
Office of Administrative Law Notice File Number: Z-2015-0922-08

DIVISION 4.5, TITLE 22, CALIFORNIA CODE OF REGULATIONS  
CHAPTER 55. SAFER CONSUMER PRODUCTS

**Amend** section 69502.2 of division 4.5 of title 22 of the California Code of Regulations, to read:

**§ 69502.2. Candidate Chemicals Identification.**

(a) Candidate Chemicals List. As of the effective date of these regulations, a chemical is identified as a Candidate Chemical if it exhibits a hazard trait and/or an environmental or toxicological endpoint, and meets one or both of the following criteria:

(1) The chemical is on one or more of the lists specified below:

(A) Chemicals known to cause cancer and/or reproductive toxicity that are listed under Health and Safety Code section 25249.8 of the California Safe Drinking Water and Toxic Enforcement Act of 1986;

(B) Chemicals classified by the ~~European Commission~~ European Union as carcinogens, mutagens, and/or reproductive toxicants Categories 1A and 1B in Annex VI to Regulation (EC) 1272/2008;

(C) Chemicals included as ~~Category 1 endocrine disruptors by the European Commission~~ in the European Union candidate list of Substances of Very High Concern in accordance with Article 59 of Regulation (EC) 1907/2006 on the basis of Article 57(f) for endocrine disrupting properties;

(D) Chemicals for which a reference dose or reference concentration has been developed based on neurotoxicity in the United States Environmental Protection Agency's Integrated Risk Information System;

(E) Chemicals that are identified as "carcinogenic to humans", "likely to be carcinogenic to humans", or Groups A, B1, or B2 carcinogens in the United States Environmental Protection Agency's Integrated Risk Information System;

(F) Chemicals that are identified as "known to be" or "reasonably anticipated to be" a human carcinogen in the ~~42<sup>th</sup>~~ 13<sup>th</sup> Report on Carcinogens, United States Department of Health and Human Services, Public Health Service, National Toxicology Program;

(G) Chemicals included as ~~persistent, bioaccumulative and toxic, or very persistent and very bioaccumulative by in the European Union Commission~~ in the candidate list of Substances of Very High Concern in accordance with Article 59 of Regulation (EC) 1907/2006 on the basis of Article 57(d), Article 57(e), or Article 57(f) for persistent, bioaccumulative and toxic, or very persistent and very bioaccumulative properties;

(H) Chemicals that are identified as Persistent, Bioaccumulative, and Inherently Toxic to the environment by the Canadian Environmental Protection Act Environmental Registry Domestic Substances List;

(I) Chemicals classified by the ~~European Commission~~ European Union as respiratory sensitizers Category 1 in Annex VI to Regulation (EC) 1272/2008;

(J) Groups 1, 2A, and 2B carcinogens identified by the International Agency for Research on Cancer;

(K) Neurotoxicants that are identified in the Agency for Toxic Substances and Disease Registry's Toxic Substances Portal, Health Effects of Toxic Substances and Carcinogens, Nervous System;

(L) Persistent Bioaccumulative and Toxic Priority Chemicals that are identified by the United States Environmental Protection Agency's National Waste Minimization Program;

(M) Reproductive or developmental toxicants identified in Monographs on the Potential Human Reproductive and Developmental Effects, National Toxicology Program, Office of Health Assessment and Translation;

(N) United States Environmental Protection Agency's Toxics Release Inventory Persistent, Bioaccumulative and Toxic Chemicals that are subject to reporting under the Emergency Planning and Community Right-to-Know Act section 313; and/or

(O) Washington Department of Ecology's Persistent, Bioaccumulative, Toxic Chemicals identified in the Washington Administrative Code, title 173, chapter 173-333.

(2) The chemical is one or more of the following types of chemicals:

(A) Chemicals for which Notification Levels, as defined in Health and Safety Code section 116455, have been established by the California Department of Public Health;

(B) Chemicals for which primary Maximum Contaminant Levels have been established and adopted under section 64431 or section 64444 of chapter 15 of title 22 of the California Code of Regulations;

(C) Chemicals identified as Toxic Air Contaminants under sections 93000 and 93001 of title 17 of the California Code of Regulations;

(D) Chemicals that are identified as priority pollutants in California Water Quality Control Plans under section 303(c) of the federal Clean Water Act and in section 131.38 of title 40 of the Code of Federal Regulations, or identified as pollutants by California or the United States Environmental Protection Agency for one or more water bodies in California under section 303(d) of the federal Clean Water Act and section 130.7 of title 40 of the Code of Federal Regulations;

(E) Chemicals that are identified with non-cancer endpoints and listed with an inhalation or oral Reference Exposure Level by the California Office of Environmental Health Hazard Assessment under Health and Safety Code section 44360(b)(2);

(F) Priority Chemicals that are identified under the California Environmental Contaminant Biomonitoring Program;

(G) Chemicals that are identified on the Centers for Disease Control and Prevention's *Fourth National Report on Human Exposure to Environmental Chemicals and Updated Tables*; and/or

(H) Chemicals that are identified on Part A of the list of Chemicals for Priority Action, Oslo and Paris Conventions for the Protection of the Marine Environment of the North-East Atlantic.

(b) Additions to the Candidate Chemicals List. In addition to the chemicals identified as Candidate Chemicals under subsection (a), the Department may identify as Candidate Chemicals those chemicals that exhibit one or more hazard traits and/or environmental or

1 toxicological endpoints by considering the following factors for which reliable information is  
2 available:

3 (1) Adverse Impacts.

4 (A) The Department shall evaluate the potential for the chemical to contribute to or  
5 cause adverse impacts, considering one or more of the following factors:

6 1. The chemical's hazard trait(s) and/or environmental or toxicological endpoint(s);

7 2. The chemical's aggregate effects;

8 3. The chemical's cumulative effects with other chemicals with the same or similar  
9 hazard trait(s) and/or environmental or toxicological endpoint(s);

10 4. The chemical's physicochemical properties;

11 5. The chemical's environmental fate;

12 6. The human populations, and/or aquatic, avian, or terrestrial animal or plant  
13 organisms for which the chemical(s) has/have the potential to contribute to or cause adverse  
14 impacts; and/or

15 7. The potential for the chemical to degrade, form reaction products, or metabolize into  
16 another chemical that exhibits one or more hazard traits and/or environmental or toxicological  
17 endpoints.

18 (B) The Department shall give special consideration to the potential for the chemical to  
19 contribute to or cause adverse impacts for:

20 1. Sensitive subpopulations;

21 2. Environmentally sensitive habitats;

22 3. Endangered and threatened species listed by the California Department of Fish and  
23 Wildlife; and

24 4. Environments in California that have been designated as impaired by a California  
25 State or federal regulatory agency.

26 (C) The Department shall also give special consideration to the potential for the  
27 chemical to contribute to or cause widespread adverse impacts.

28 (D) The Department may also evaluate and consider, based on reliable information,  
29 structurally or mechanistically similar chemicals for which there is a known toxicity profile.

30 (2) Exposures. The Department shall consider potential exposures to the chemical,  
31 based on both of the following:

32 (A) Reliable information regarding potential exposures to the chemical; and

33 (B) Reliable information demonstrating the occurrence, or potential occurrence, of  
34 exposures to the chemical.

35 (3) Availability of Information. The Department shall consider the extent and quality of  
36 information that is available to substantiate the existence or absence of potential adverse  
37 impacts and potential exposures. In evaluating the quality of the available information, the  
38 Department shall consider, as applicable, the factors specified in section 69503.2(b)(1)(C).  
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40 NOTE: Authority cited: Sections 25252 and 58012, Health and Safety Code. Reference:  
41 Sections 25252 and 25257.1, Health and Safety Code.